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THE CHENEY-POWELL CONGRESSIONAL REFORM ACT:
COMPLETING THE DEFENSE REFORM AGENDA

BY

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USAWC MILITARY STUDIES PROGRAM PAPER

"THE CHENEY-POWELL CONGRESSIONAL REFORM ACT"
COMPLETING THE DEFENSE REFORM AGENDA

AN INDIVIDUAL STUDY PROJECT

by

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ABSTRACT

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On 1 October 1986 the Goldwater-Nichols Department of Defense Reorganization Act was signed into law by President Ronald Reagan. The principal purpose of the law was to improve management of defense by imposing greater jointness on military advice, operations, and in the allocation of defense resources. Recently, President George Bush announced a new military strategy which envisions a twenty-five percent reduction of active forces. This study examines changes since Goldwater-Nichols to determine whether or not (in light of declining resources and the restructuring of forces) the current national system for planning, programming, and budgeting can produce optimum joint forces to support the new military strategy. It suggests that, while DOD has made significant improvements in its management of defense, Congress has not. It contends that without change in the Congress, any improvements in DOD will mean little if the Congress cannot achieve a more rational and efficient approach to its role in defense management. It offers recommended changes for the Congress. Finally, the study contends there is a unique window of opportunity to effect this reform, which the Congress and Administration should examine and implement.

INTRODUCTION

The United States has an enduring, fundamental challenge to face in achieving its national security objectives. We need to improve the management of national defense. Though not yet etched in stone, the emerging global security environment, coupled with pressing domestic agendas, now places the United States at a point in its history when conquering this challenge will be more important than ever.

General Colin L. Powell used a "Yogi Berraism" to characterize the uncertainties of national security challenges in the 1990s: "The future just ain't what it used to be."¹ In an uncertain future, however, there are some certainties. Defense budgets will shrink. The world will remain dangerous. U.S. national interests will endure. The U.S. remains the lone Superpower and will exercise the inherent responsibilities of that role. These certainties pose a dilemma. Can the American processes for structuring, manning, modernizing and sustaining her armed forces in support of national security objectives provide an effective joint force "bang" for the declining Department of Defense (DOD) "buck?"

On 1 October 1986 President Ronald Reagan signed into law a piece of watershed legislation initiated by the Congress which was designed to enhance military effectiveness through improved defense decision-making. The President noted that the Goldwater-Nichols Department of Defense Reorganization Act of 1986 was:

"the product of a 4-year effort led by the House and Senate Armed Services Committees...a milestone in the long evolution of defense organization since our national security establishment was created in 1947."² Among the explicit intents of the new law were: "to increase attention to the formulation of strategy...to provide for more efficient use of defense resources."³ To meet these intents, the law mandated changes to the force planning, programming, and budgeting (PPB) processes and relationships within DOD.

This study is a progress review of reform implementation since the passage of Goldwater-Nichols as it applies to structuring the Nation's armed forces. For purposes of this review, "structuring" includes force design, manning, and equipping. The review will: make the case that sound defense management is more critical now than ever; review the objectives of reform as they relate to force PPB; look at what has been done and what has not been done; and suggest changes which could serve to complete the reform agenda.

Since Goldwater-Nichols focused on reforms at the top, this review takes a "God-level" view of the decision-making processes for building America's armed forces. The focus is on force structuring, because it is the "horse" pulling the "cart" of force capability and operational effectiveness. Acquisition reform is not addressed. First, it is beyond the specific scope of this study. Second, the system for how we buy things is important, but it is of secondary importance to improving the

system for determining what we buy (force requirements or "means") and why we buy it (strategy or "ways").

The review will show that the Executive Branch has made significant improvement; that the Legislative Branch has not. This lack of meaningful reform in Congress should concern us greatly. Reform in the Congress is critical. As one defense specialist points out, "No planning and management technique...can avoid the consequences of Washington's peculiar interpretation of the golden rule: 'He who has the gold rules.'"⁴ As keeper of the purse, Congress is the ultimate force developer. Any rationality and efficiency achieved by the Administration and DOD during their force structuring processes comes unglued if Congress cannot or will not exercise sound management and oversight of defense. As retired Senator Barry Goldwater (R-Arizona) noted: "Although Members of Congress are quick to criticize defense decision-making by each Administration, shortcomings in the process by which the Congress seeks to 'provide for the common defense' are far more serious, costly and disruptive."⁵

Finally, I will argue that we have a unique window of opportunity to coalesce the Administration and the Congress toward completing the agenda for reform in national defense management--reform that is so vital to our country's national security interests.

A CRITICAL TIME TO "MANAGE CAREFULLY"

The Berlin Wall effectively came down on 9 November 1989. We won the Cold War on that day. Ever since "V-CW Day" players in the national security process in both the Administration and the Congress have been debating how threats to our national interests have changed and what ought to be the resultant changes in national military strategy and in the size and shape of forces needed to support that strategy.

Articulating the opinions of many in and out of Congress, Senator Sam Nunn (D-Georgia) lambasted the Administration for what he called "blanks" in its fiscal year 1991 Department of Defense budget request. He contended that DOD had failed to make adjustments for the changed security environment. His critique charged that the budget and its accompanying five-year defense plan contained: "five big blanks...a threat blank...a strategy blank...a dollar blank...a force structure blank...a program blank."⁶ Given only two months from November 1989 to the budget submission in January 1990, one might wonder how Senator Nunn expected DOD, in so short a time frame, to rationally adjust to the changes--changes which he correctly noted had: "fundamentally altered many of the basic assumptions on which our national security policy, our military strategy, and our defense budgets have been based for the last 40 years."⁷ To its credit the Administration avoided a "knee-jerk" reaction to Nunn's critique, opting instead to take time for an orderly assessment of the new environment. Added time also allowed DOD to see if

the encouraging words of our former Cold War adversary would be followed by equally encouraging deeds.

Nevertheless, two points of consensus emerged from the debate almost immediately. We could and should reduce active forces, and defense could get by with fewer dollars.

On 2 August 1990 the debate about a new national military strategy addressing these points narrowed for those of us in DOD when President Bush outlined his new defense strategy in a speech delivered in Aspen, Colorado:

...The President articulated the context for the emerging defense strategy and its four major elements when he said: "Our new strategy must provide the framework to guide our deliberate reductions to no more than the forces we need to guard our enduring interests--the forces to exercise forward presence in key areas, to respond effectively to crises, to retain the national capacity to rebuild our forces should this be needed"...and to..."maintain an effective deterrent."⁸

In articulating his new strategy, the President envisioned a 25% reduction of active forces. But he cautioned that we must proceed with a: "rational restructuring"...[over]..."five years...with an orderly reduction--not a fire sale. Any reduction of this magnitude must be managed carefully [my emphasis] to minimize dislocations--not just to the military balance, but...to the morale."⁹

So, the consensus to reduce active forces held firm. One should not look for the Persian Gulf crisis to alter this course in any meaningful way. The search for a perceived "peace dividend" has been and remains intense. Here is a sample of that sentiment voiced on the day of victory in the Gulf: "The Gulf War has been a smashing success for the United States. But it

has not improved our education system or our roads. It has not made the inner city safer, nor have we closed the technology gap with Japan."¹⁰

Speaking as a career military officer, I would like to see DOD meet its national security requirements for less dollars. Heresy? Not really. We in the military are sworn to uphold the Constitution. While impressions might sometimes indicate otherwise, we take no oath to fight for more dollars for defense than the Nation needs to secure her vital interests. At this point in America's history, I believe the requirements for "a more perfect union...justice...domestic tranquility...the general welfare...and...[securing] the blessings of liberty to ourselves and our posterity..." need as much attention as providing for "the common defense." Whether or not most military professionals agree with this point, American political realities will pressure the United States government to place greater relative emphasis on elements of national power other than its military forces.

As citizens and soldiers we should look forward to the possibilities offered by diverting some amount of our energy and resources away from defense and toward pressing problems at home. To sustain or enhance our superpower status, we must defeat serious threats to our Nation and to our way of life which fall outside the realm of defense--the debt; drugs; the relative competitiveness of our industries; a neglected infrastructure; education; the environment.

One should not mistake my point. I believe defense is first in the hierarchy of national needs put forth in the preamble to

the Constitution. If we in the military focus on our oath, however, we would conclude that the Nation's limited resources should be applied in a coherent, balanced manner to strengthen all the elements of national power. So long as our resultant military strategies and forces allow for achieving national security objectives within manageable risks, we should view any opportunity to devote more resources to our domestic problems as a positive development for America.

We should view this opportunity positively. But can we? Have America's defense management processes been adequately reformed to produce effective joint forces with significantly less resources?

"Wait a second," one might say. "Why the concern? Look at the superb performance of the armed forces during Desert Shield/Storm." Success in the Persian Gulf should not be a yardstick for measuring our ability to field effective forces in the future. The forces of victory in Desert Storm were developed and fielded during the era of the Reagan defense build up. That won't happen again. The best we'll see is a gradual build down.

Fielding effective armed forces under these conditions mandates the "careful management" called for by the President. Careful management implies rational and efficient planning, programming, and budgeting of coherent defense programs to provide the minimal essential force structure--organizations, people, equipment--needed to support a coherent national military strategy. Rationality, efficiency, and coherence require greater consensus on ways and means (and a stronger linkage between the

two) than we have been able to achieve in our recent past. Senator Nunn spoke to the nature of the looming danger during a speech before the U.S. Senate: "Mr. President, a recent CIS [CSIS?] study summed up our current situation very well: 'Building up without a strategy is foolish. Building down without one could be disastrous.'"¹¹

How do we avoid disaster? In the coming era of enduring national interests, worldwide security responsibilities, and declining defense resources, what specifically must be achieved to maintain effective joint forces? What are the essential components of a carefully managed force reduction? We begin with a look at the reform agenda as it applies to the PPB process.

THE REFORM AGENDA--COMPONENTS OF CAREFUL DEFENSE MANAGEMENT

In defense reform literature and studies, similar criteria surface with regard to what would constitute a rational and efficient national force structuring process. The critiques contain recurring suggestions for improvement. It's useful to review opinions from the some of the more universally respected and accepted works or critics--opinions of those who seemed to have no particular axe to grind, other than to improve military effectiveness within nationally affordable limits.

The conclusions and recommendations of two studies formed the basis for most of the provisions contained in the Goldwater-Nichols Act. One was undertaken by the Staff of the Senate Armed Services committee; the other commissioned by President Reagan.

The 1985 Staff Report of the Senate Armed Services Committee (SASC) identified the following problems affecting force planning:

- Too much emphasis on functions versus missions, which has inhibited the effective integration of service capabilities along mission lines;
- A predominance of service interests over joint interests within DOD, a problem of balance which has precluded the most efficient allocation of defense resources;
- Interservice logrolling...;
- A predominance of programming and budgeting within the organizational activity of DOD, which has left...insufficient attention to ...planning...;
- An ineffective division of work, manifested in congressional micromanagement of DOD programs, and within DOD by duplication of effort within military departments.¹²

In 1986 the President's Blue Ribbon Commission on Defense Management (the "Packard Commission") provided a good summary statement of the dominant and most important problems affecting force structuring processes:

...there is great need for improvement in the way we think through and tie together our security objectives, what we spend to achieve them, and what we decide to buy. The entire undertaking for our nation's defense requires more and better long-range planning. This will involve concerted action by our professional military, the civilian leadership of the Department of Defense, the President, and the Congress.

Today, there is no rational system whereby the executive branch and the Congress reach coherent and enduring agreement on national military strategy, the forces to carry it out, and the funding that should be provided--in light of the overall economy and competing claims on national resources. The absence of such a system contributes substantially to the instability and uncertainty that plague our defense program. These cause imbalances in our military forces and capabilities and increase the cost of procuring military equipment.¹³

For a post-Goldwater-Nichols Act review of force structuring, a 1989 joint assessment by The John Hopkins Foreign Policy Institute (FPI) and the Center for Strategic and

International Studies (CSIS) stated: "Policy guidance for force planning has been vague...and disconnected from fiscal considerations...The four factors--objectives, strategies, forces, and budgets--must be consistent."¹⁴ This assessment also finds DOD's progress encouraging; but, finds no meaningful progress in the Congress.

Finally, Anthony Cordesman in 1989 summarizes what is perhaps the most crucial ingredient of improved defense management: "The executive and legislative branches will need to build a far more stable defense consensus to allow the United States to pursue a more consistent approach to structuring its military forces."¹⁵

An analysis of these points provides the minimum essential components for careful management of force structuring--indeed of any of the defense management processes. These components also constitute the measures of effectiveness for this review of force PPB reform to date:

- A coherent strategy or sets of alternative strategies bounded by realistic fiscal projections. Strategy should act as the principal disciplining tool to discourage or discard self-serving or unaffordable excursions during "what to buy" deliberations.
- Efficiency in resource allocation through: (1) focusing on joint capabilities which are integrated, complementary, linked to strategy, and void of nonessential redundancy; (2) suppressing--not eliminating--purely parochial interests.

- Policy and program oversight focused on mission (output) over function (input).
- Stability.
- Consensus.

The final point--consensus--is the most critical. It is the linchpin to all the other requirements. It is also the most difficult to achieve, given the shared powers doctrine of American government established by the Constitution. No amount of change in process--a thrust of Goldwater-Nichols--can overcome the disruptive effects of a lack of consensus. This is a consistent phenomenon regardless of whether changes add process, delete process, or alter process:

In the American political system, based on Madisonian democracy, no tinkering with 'process' can substitute for a general political consensus on major substantive matters. In neither domestic and budget policies, on the one hand, nor foreign policy, on the other, can process be substituted for general agreement on policy.¹⁶

Having set the measures of effectiveness for careful management of force restructuring, let's now look at our capacity to achieve it.

OUTLOOK FOR CAREFUL MANAGEMENT

We will examine the prospects for rational and efficient management of the coming force reductions by first looking at the current force structuring processes in the Administration as they relate to the above measures of effectiveness. Then, before turning to Congress, we will look at who has what sort of responsibility--an important distinction to make in terms of problem definition.

A near unanimous viewpoint in the reform literature is that change was and is required in both the Administration (primarily DOD) and the Congress. There is less unanimity concerning which branch of the government was most responsible for the problems uncovered. This is important to our discussion, because, in the end, I suggest that the focus for future change should be on the Congress. The reason, as we shall see, stems not so much from the scope of the relative force structuring responsibilities between the branches of government (certainly DOD and the Executive have the greater scope of responsibility), but from the character of their different responsibilities.

Finally, having put the appropriate monkey on the appropriate branch's back, we will look at how the Congress currently executes its force structuring role and how it might achieve a more careful management.

The Outlook within the Department of Defense

Virtually without exception my research of post Goldwater-Nichols assessments indicates positive developments within DOD specifically--and the Executive Branch generally. This is not to say that all is well. The changes mandated by law forced cultural shifts down our collective throats. Cultural changes to a bureaucracy as large and diverse as DOD will require more time to take root. But they are taking root. Desert Shield/Storm offers dramatic evidence that changes since Goldwater-Nichols have improved military advice and operations, certainly in terms of the preeminence of jointness.

The prospects for equally dramatic improvements in DOD's force structuring processes are good. While we must await the force structure decisions deriving from the President's new military strategy to gain assurance DOD has achieved a capacity for more rational and efficient force PPB, most of the components for careful management are in place.

If consensus is the key ingredient to improved force structuring, the Executive Branch has had an advantage over the Congress. It is hierarchical. The President is the boss at the top; the Secretary of Defense is the number two boss for defense. With one guy in charge, you could conceivably reach "consensus" by fiat.

Of course that was the case before and after Goldwater-Nichols. However, prior to Goldwater-Nichols there was a primary organizational characteristic within DOD which effectively blocked meaningful consensus--in strategy development, force planning, efficient resource allocation, or any other arena. The boss had for his key military advisor a corporate body of five equal voices--the Joint Chiefs of Staff (JCS). Four of the five voices dual-hatted as Chiefs of Staff of their respective service, each with a view of the world understandably colored by that responsibility. The staff supporting that body, the Joint Staff, answered equally to each of the five voices.

These impediments to consensus are eliminated. Goldwater-Nichols fixed it via altering the role of the Chairman of the Joint Chiefs of Staff (CJCS) and providing him some important tools. In fact, in looking across the measures of effectiveness,

the new role of the CJCS within the force PPB processes offers the greatest potential for achieving the President's goal of a carefully managed force restructuring--at least within DOD. It not only assures a greater degree of consensus, the changed role and added assets of the CJCS greatly contribute to achieving a coherent, fiscally constrained strategy and to realizing greater efficiency in resource allocation.

Most importantly, the Chairman is now the principal military advisor to the President, the National Security Council (NSC), and the Secretary of Defense: "The clear purpose here was to ensure that the civilian leadership receives independent and integrated military advise cutting across service boundaries..."¹⁷ The law still allows for the views of other members of the JCS to be represented (submitted through the Chairman), but the Chairman's ability to produce optimum joint force positions is tremendously enhanced. The Secretary's opportunity to receive coherent, integrated military advice on strategy and force planning is equally enhanced. That opportunity extends to the civilian hierarchy within the Office of the Secretary of Defense (OSD).

Of nearly equal importance are two key resources gained by the Chairman. First, he now "owns" the Joint Staff. Second, in the person of the Vice Chairman of the Joint Chiefs of Staff, he now has a deputy who is designated as the second most senior active duty military officer. These assets give the CJCS the wherewithal to effect the needed improvements to the force PPB processes.

The above changes affected relationships. Goldwater-Nichols modified the products and processes within DOD by placing specific requirements on the President, Secretary of Defense, and CJCS--requirements designed to attack two broad problems found in the way the Executive Branch and DOD conducted force PPB:

First,...insufficient attention was paid to the front-end of the planning process. Policy guidance for force planners tended to be vague and episodic, the result of the failure of civilian and military officials to give rigorous attention to alternative objectives and strategies for U.S. national security policy. Moreover, tough-minded assessments of the resources likely to be available for the fulfillment of defense objectives were lacking, leading to unrealistic force plans and acquisition programs...

Second,...the process was dominated too much by the military services...[and]...continued, for the most part, to reflect independent service plans and programs, in which joint considerations received, at best, secondary consideration.¹⁸

The provisions provided by Goldwater-Nichols to overcome these problems have all been implemented via policy changes within the Administration and DOD. It has taken time. More time will be required before one could expect the new products and processes to be fully accepted and part of the organizational culture--to be all they can be. The former CJCS, the first to have to implement the provisions of Goldwater-Nichols, Admiral William Crowe, calculated three to five years would be needed to realize the full impact of the changes.¹⁹

Nonetheless, there is significant progress. A description of the new or changed key PPB products and processes within DOD provides an indication that coherent, fiscally constrained strategy and more efficient force PPB are achievable.²⁰

On the front-end, planning has been strengthened and has gained high level attention. From the White House, the NSC

issues national security policies and objectives and directs studies via a National Security Directive (NSD) and National Security Review (NSR) respectively. In consonance the Secretary of Defense (SECDEF) issues policy guidance and the CJCS issues conforming planning guidance. From this beginning, with inputs from the services and commanders-in-chief (CINCs) of the unified and specified commands, CJCS prepares a National Military Strategy Document (NMSD). The NMSD:

...presents the advice of the CJCS...[It covers] 2-8 years in the future,...evaluates the threat and recommends military objectives to support national security objectives...a military strategy and force structure that conforms with National Command Authority (NCA) Fiscal Guidance. It provides related military options and evaluates associated risks.²¹

The resulting National Military Strategy (NMS) is developed by the SECDEF and approved by the President. Once approved, the SECDEF formulates his Defense Planning Guidance (DPG) which he issues to start the programming cycle. DOD agencies, the Services, and the CINCs then provide their input to the programming process. All the while, fiscal forecasts are updated. The CJCS also evaluates the composite programs and provides to the SECDEF the Chairman's Program Assessment (CPA) to aid in program decisions. In addition, on an annual basis, a Joint Military Net Assessment (JMNA) is conducted to analyze planned force capabilities.

The Vice Chairman of the Joint Chiefs of Staff (VCJCS) oversees this effort for the CJCS, using two newly created Joint Staff directores for the leg work--the J-7 (Operational Plans and Interoperability) and the J-8 (Force Structure, Resources,

and Assessment). The VCJS is the lynchpin for linking strategy to forces, for assuring the dominance of the joint perspective, and for the adhering to the Goldwater-Nichols intent of "efficient allocation of defense resources." The VCJCS: "has become the key joint military player in the establishment of military 'requirements', in resource allocation decision procedures, and in oversight of the acquisition process."²²

The VCJCS continues to drive home the joint perspective as programs move to budgets. He attends meetings of the Defense Planning and Resources Board, which provides advice and recommendations to the SECDEF and Deputy SECDEF on PPB matters. He is the day to day interface between the Joint Staff and the CINCs, specifically charged to oversee CINCs' deliberate planning of operational plans and to serve as their spokesman in the PPB process. He chairs the Joint Requirements Oversight Council (JROC), a council of all the service vice chiefs of staff which among other functions reviews and validates military requirements and program goals, looking for efficiencies through integration and interoperability as they conduct their business.²³

So in the areas of consensus, a coherent, fiscally constrained strategy, and the efficient allocation of resources, we have seen that DOD is better postured to meet the measures of effectiveness leading to careful management. DOD falls short, however, in focusing on mission over function and in achieving stable programs.

DOD, the Office of the Secretary of Defense, the Services, and related force PPB products and processes remain aligned

principally along functional, or input lines (personnel, procurement, military construction, etc.) as opposed to mission lines, or output (e.g., contingency forces, strategic lift, forward presence, etc.). The "Defense Management" section of Secretary Cheney's January 1991 Annual Report to the President and the Congress reflects no particular initiative to move in the direction of mission alignment.²⁴ However, as the review of defense management continues--such a shift could occur in the future. However, it will be a tough fight. First, one would have to convince DOD's bureaucracy that the improved ways-means linkage of an output focus is of greater benefit than the fiscal control and program/budget preparation efficiencies of an input focus. Second, line-item, input type budgets are handy for steering dollars to "gold watch" issues in DOD or "pork-barrel" issues in Congress, because one cannot easily argue that funds tied to a particular line have no link to a strategy based, mission requirement.²⁵ Neither members of Congress nor bureaucrats in DOD would welcome in mass a change which could crumble the "pet rock" process.

In addition, DOD craves stable programs. This shortfall requires congressional cooperation to overcome. Even though DOD prepares two-year budgets and requests multiyear procurements, Congress has not appropriated biennial budgets, nor is it keen on multiyear buys--both of which are the keys to stability. Some stability may be achieved, however, via last fall's five-year deficit reduction program agreement between the Administration

and Congress, which included spending caps on defense and other programs intended to be in force for each year of the program.

In summary then, from our bird's eye view and to use a popular colloquialism, DOD has "come a long way baby." Careful management at the top is achievable. The same cannot necessarily be said for lower level force structuring processes practiced throughout the bowels of the Pentagon. Interservice and intraservice rivalries, competing agendas of civilian and military hierarchies, internal and external lobbying efforts, penchants for the ease of salami slice approaches to force reductions and the like will still work to fracture coherence, efficiency, and consensus. It is safe to say, however, that the macro controls are in place and improving to discipline the process in the micro arenas.

There is no shortage of suggestions for further improvements beyond those achieved since Goldwater-Nichols. These include: better and wider use of net assessments; a clearer functional split between OSD and the JCS in the PPB processes, which limits civilian control to policy and oversight and leaves the nuts and bolts of force planning in military hands; and, implementing changes needed to emphasize mission over function. There are even more radical suggestions. Some would further strengthen the joint perspective by converting the Joint Staff to the German general staff model. Others have suggested eliminating the separate service secretaries and secretariats and creating assistant secretaries of defense for each Service as a means of

controlling service rivalries and of getting rid of redundant functions that can be found in the civilian staffs.

At the moment, however, we should take a "hands-off" approach to DOD and let the dust settle for a while. Secretary Cheney cautions us to: "resist the temptation... (of) ...an immediate, onetime solution..." He rightly points out: "Improvement is an iterative process...we have established the framework and begun the cultural change that will achieve continuous improvement in the Department."²⁶

A Shared But Distinct Responsibility

Before looking at Congress' record of internal defense management reform to date, it is important to establish why congressional reform even matters. It matters for the reasons specified in the introduction to this discussion. It has to do with Congress' ultimate power as the final decision point for the makeup of America's armed forces. Not enough people in or out of the military understand this point. Even those who do understand this point often fail to appreciate it when they distribute accountability for flawed force structure programs or seek to make improvements to the force structure process.

It is easy to understand the difficulty some have in deciding which branch of government, if either, has the greater responsibility for national security policy and programs in the broad sense; for "common defense" in a more narrow sense. "The Constitution issues an 'invitation to struggle' to Congress and the President in making national security policy...that is, the

national defense and foreign relations of the United States...[and]...As a result, they function both as allies and adversaries in establishing national security strategy and policies."²⁷

Moreover, actual power has shifted over time between the two branches. Relative power has also varied by function (foreign relations, national security, domestic policies, trade, etc.). It is virtually in the eye of the beholder to decide which one has or has had the greater practical power at any particular time in history. In general, I suppose, one could observe that liberal viewpoints usually assert that the President has too much; conservative viewpoints that the Congress has too much. National emergencies shift power toward the President; calmer conditions seem to favor the Congress. Today one can find good arguments on either side of the question for which branch is the more powerful; or which branch is enjoying a relative ascendancy of its practical power.

Even though we have a system of shared responsibilities, I believe the Constitution prescribes where the "buck stops." It's the difference between **primary** and **ultimate** responsibility; between the Administration **proposing** and the Congress **disposing**.²⁸

Because of the sheer burden of the undertaking, the Executive Branch and DOD have **primary** responsibility for defense management. The main instrument of relative efficiency in managing and allocating resources is the budget. Since the Budget and Accounting Act of 1921, when Congress delegated

budgetary powers to the President, the budget and most program initiatives therein have been the President's. Thus, the President's budget submission: "sets the priorities, shapes the goals, and charts the course of the government, the economy, and the country."²⁹

Nevertheless, the President's priorities, goals, and programs are only proposals. For the proposals to come alive, most need the breath of law or the food of money, or both. This requires the blessing of the Congress. Force structure proposals are no different. Congress makes the final disposition by approving, changing, or disapproving what is proposed.

To summarize Congress' constitutional powers regarding defense, they: "...include express and implied authority to legislate, authorize, and appropriate funds for, and oversee the creation, maintenance, and regulation of the national security establishment."³⁰ A summary of the roles of Congress in the national security arena consistent with its powers follows:

A ratifier and legitimizer of executive-led policies at different levels, i.e., grand strategy, intermediate matters, or narrow specifics;

A modifier or refiner of policies at the different levels;

An independent leader in its own right at the different levels; and

An ad hoc overseer of programs and operations, some broad-scale and others narrow.³¹

It is these sets of powers and roles by which Congress enters the national security arena in a variety of forums--arms control, foreign and military aid, intelligence, treaties, even the details of how DOD should go about its business as we saw with Goldwater-Nichols.

From a constitutional perspective then, Congress is ultimately responsible for careful management of defense. By noting that the Constitution confers upon the Congress the ultimate responsibility for what sort of armed forces the Nation will field, the preceding tutorial establishes the critical need for congressional reform. We can now move on to a review of Congress' capacity to effect a rational and efficient restructuring of U.S. armed forces to the reduced levels envisioned by the President and supported by most in Congress.

The Outlook for Careful Management within the Congress

Interestingly, as the Goldwater-Nichols Act was taking shape, President Reagan and Senator Nunn used similar metaphors to call for congressional reform on the one hand and to describe key reasons why Congress constituted a major impediment to careful management of defense on the other.

In April, 1986, after he had directed implementation of many of the Packard Commission's recommendations, President Reagan urged the Congress to look toward inward reform by saying:

...Now, we face a broad ocean of necessary congressional reforms in which the currents of politics and jurisdiction are equally treacherous. We must not stop at the water's edge.

Only meaningful congressional reform can complete our efforts to strengthen the defense establishment and develop a rational and stable budget process--a process that provides effectively and efficiently for America's security over the long haul.³²

When he introduced the original Senate version of the bill which became the Goldwater-Nichols Act, Senator Nunn characterized Congress' problems this way:

We are focusing on the grains of sand on the beach while we should be looking over the broad ocean and beyond the horizon...We are not fulfilling our responsibilities to serve as the board of directors for the department of Defense. Instead, Congress has become 535 individual program managers that are micromanaging the department at an alarming rate.³³

Senator Nunn would no doubt point with pride to the fact that the Senate Armed Services Committee has undergone some realignment more along mission lines. They also now hold hearings on strategy and policy, though they haven't, by any tangible evidence, made much of a difference. The bottom line is that not much has changed. "The reluctance of Congress to reform its own involvement in defense oversight has been the most significant failure in the defense reform process since 1986. [my emphasis]"³⁴

This fact suggests that, for the near term, the outlook for Congress exercising careful management of the coming restructuring is bleak. That does not suggest that we ought to be resigned to such a condition. As stated earlier, and confirmed by the above opinions, reforming DOD only allows a carefully managed, rational, and efficient defense program to be proposed to Congress. That body still holds the constitutional power to fracture it.

Most of my colleagues, and, indeed, many of the defense reform critics, hold little hope that meaningful congressional reform is possible. I don't subscribe to that sort of hand-wringing. Neither do I subscribe to the solutions to congressional problems which many friends and colleagues (military and civilian) infer in the course of pursuing a favored

pastime--"Congress Bashing." At best their offerings constitute a call for a form of parliamentary government in America; at worst, for a form of autocracy.

Assuming one enjoys and wishes to retain the major benefits of our current form of government--complete with its sometimes frustrating and always less efficient doctrine of shared powers and checks and balances--what reforms to the congressional force structuring processes would be reasonable to expect and would satisfy the measures of effectiveness for careful management?

First, let's review the problem statements. The main problems with regard to congressional management and oversight of defense can be summarized as follows:

...a tendency to focus on minor details of the defense program without considering the basic objectives and priorities of U.S. armed forces, the military strategy intended to accomplish those ends, or the broad policies necessary to implement that strategy...the current congressional budget process is excessively time-consuming, laborious, and repetitive...[leaving]...little time to exercise effective oversight...the seemingly inexorable political dynamic that often leads the Congress to promote constituents' economic interests [the pork barrel] at the expense of an effective military posture...The repetitiveness and inherent conflicts of the three overlapping congressional processes--budgeting, authorizing, and appropriating--are cited as a source of instability and inefficiency.³⁵

These problems not only impede careful management of defense within the Congress, they often serve to complicate or eradicate any progress DOD makes. Their combined effects lead to: "the imposition of contradictory or inconsistent direction on the Defense Department [which] has hampered the achievement of necessary reforms...in defense practices."³⁶

Some similarities with what ailed DOD before Goldwater-Nichols are apparent--insufficient attention to strategy; inefficiency through not linking strategy and forces and through parochialism; conflicts rather than consensus; instability. The very nature of Congress, however, precludes similar solutions--a point often forgotten during "Congress Bashing" binges.

"Congress is a peculiar institution. It is chaotic, non-hierarchical, fragmented, and lacking in neatness and order."³⁷

There are, however, ways in which the Congress can overcome, or at least mitigate, the disruptive influence it now imposes on defense management generally and on rational and efficient force structuring specifically. Some of the changes suggested are new ways of doing defense business. Some are merely calls for a return to a manner of exercising congressional responsibilities which used to be the norm in former times. Several are consistent with needed changes suggested by the Senate Armed Services Committee report on the original bill leading to implementation of the Goldwater-Nichols Act.³⁸

The first and most important step is to redefine and enforce the jurisdiction and duties of the three committees which exercise major responsibility over the defense programs--the budgeting, authorizing, and appropriating committees. While these functions are supposed to be distinct and complementary, Congress and the individual committees have created disruptive overlaps, effectively leading to three successive and similar budget approval processes each year. Instead, the committees should operate as follows. The budget committees would only

provide the defense spending cap in consideration with other, competing demands on the federal budget. The authorizing committees would focus on and approve broad defense policy, its related military strategy, and supporting force structure requirements. They would also exercise primary oversight on execution of programs. The appropriations committees then would limit their considerations to programs approved by the authorizing committees (as the system was originally intended), focusing primarily on spending issues.³⁹

This suggested realignment/reassertion of appropriate committee "turfs" would enhance careful management in several ways. Coherence in strategy and force requirements is improved with only one committee addressing these issues. Fiscal reality is enforced by sticking to the budget committees' top lines. It enhances efficiency by having a disciplining tool available--an approved, fiscally constrained strategy--which could help to strengthen challenges to obvious pork-barrel proposals.

I have already inferred the second most important change--a change needed to build consensus on national defense. It is a bit revolutionary, but essential. The President should provide the National Military Strategy to the Congress for approval. There are other national, democratic governments which operate in such a fashion, requiring their legislatures to approve multiyear defense programs. The ground work is already laid. We have a five-year budget agreement which includes annual caps for defense spending; and, last August, the House Armed Services Committee asked for a "massive strategy report" which would contain

virtually the same information as that contained in the National Military Security Document.⁴⁰ The President should send Congress the National Military Strategy scheduled for completion in July 1991 and call for an up or down vote.

The benefits should be obvious. We achieve national consensus on our defense policy and posture--a consensus backed by a majority of Congress. We enhance stability. We help to suppress purely pork barrel programs--especially any which would have the potential to fracture a strategy and force structure already agreed to by a majority of Congress. We achieve a long term statement of national will, which by itself would prove to be of tremendous deterrent value. Perhaps most importantly, we achieve shared accountability for national security to go with shared responsibility.

Risks are equally obvious. The ultimate national military strategy may not be as optimum as one drawn up and approved by the military and civilian leaders within the Administration. The benefits of consensus, stability, and efficiency, however, clearly outweigh this risk. To paraphrase a sound principle of effective military operations: "A good plan well executed is always better than a perfect plan poorly executed." With a consensus on strategy between the President and the Congress, we can at least avoid the sort of pitfall Fredrick the Great cautioned against--"He who attempts to defend too much defends nothing."⁴¹

To enhance both stability and the front-end consideration of fiscally constrained strategy, Congress should approve biennial

budgets, at least for defense. A biennial budget would, "help to force hard choices...impart greater stability...[and provide more time in both the Administration and Congress]...for serious policy planning or evaluation..."⁴² The advantages of forcing "hard choices" would be operative in both DOD and the Congress--especially in the sense that both would recognize there would be a greater likelihood of having to live with the choices made.

DOD is already required by law to submit biennial budgets. The Congress, however, has yet to take up the second year's budget in any meaningful way. As a subset of biennial budgets, Congress should also consider milestone financing for major programs.^{43,44} The argument that biennial budgeting would not allow for frequent enough review to make adjustments for changing economic conditions, requirements, adjustments for failed or suspect programs, etc. is tired and easily countered. We simply provide for a routine off-year appropriations adjustment.⁴⁵ Additionally, restrictive language within bills would allow Congress to limit the exceptional, worrisome programs to one year and thereby grant the coveted stability of biennial budgets to the bulk of the defense programs.

The next change that Congress should embrace is one it often recommends--or directs--for DOD as a means toward improved management. Reduce and streamline the staffs. Congressional staffs have been steadily growing to where one source estimated their number at 20,000 people.⁴⁶ It appears that number may grow, if Congress' 1991 budget is any indication. In a time of belt-tightening in most areas of government, the legislative

budget grew 16% over the 1990 level.⁴⁷ The congressional staffs are one of the main complaints concerning Congress' adverse impact on efficient defense decision-making. The complaints: "center on their zeal uncomplicated by experience, their lack of firsthand familiarity with how the military works, how wars are fought..."⁴⁸ Congress can overcome this problem by first, reducing the number of staff members; second, consolidating redundant staffs or staff activities; third, enforcing strict jurisdictional rules along the lines suggested above for the three congressional committees.

Three final improvements I would like to see are designed to enhance efficiency by suppressing purely pork-barrel spending. First, I should clarify that one should not view efforts by individuals in Congress to steer dollars toward their own constituencies as an evil or unethical practice in and of itself. That is partially what they are elected to do. So long as buying so many widgets, or keeping open so many "Camp Swampy's" is consistent with national interests, any Member of Congress has a justifiable duty to see to it that as much benefit goes to his or her district as can be mustered.

The first change for the Congress would be to make appropriate rules which require members offering spending amendments to defense authorizations or appropriations bills to stick to a zero-sum formula (a fairly effective "appetite suppressant" used with DOD). This is slightly different from the "pay as you go" feature of the current five-year budget agreement (although that also makes good sense and is a welcome

development). Zero-sum says that if Congressman "X" wants to spend more dollars for a particular project, he or she must propose an equivalent bill-payer within the same appropriation. This rule could suppress pure pork by catching the eye of Congressman "Y" when the suggested bill-payer proposes to pull dollars from his or her constituents.

Second, rules should be passed which prohibit amendments ("riders") to defense spending bills during floor debates. All such amendments should have the benefit of committee review before being considered for floor votes and attached as riders.⁴⁹ The debilitating effect of such riders is obvious. They are not all for small change. Riders to defense bills have become an easy way to advance legislative proposals without having to go through normal congressional scrutiny, because these bills: "are guaranteed action in Congress and are considered [lacking a line-item veto for the President] veto proof..."⁵⁰

Third, the Congress should seriously consider the line-item veto for the President. There are a surprising number of congressional proponents (on both sides of the aisle and across the political philosophy spectrum) for the presidential line-item veto. The line-item veto at the federal level, however, is a bit of a constitutional mine field--it is not certain whether the courts would allow it without a constitutional amendment. The constitutional issue has to do with the character of the veto power itself and with the Framers' intent in providing this power to the President. Opponents argue the veto was intended as an all or nothing approach to bills,⁵¹ and that a line-item veto

would upset the system of checks and balances inherent in the separation of powers doctrine.⁵² Supporters argue that the omnibus nature of defense appropriations bills and the practice of attaching unrelated riders to them effectively negate the President's veto power.⁵³ The President implements governmental shutdowns if he does not sign the often late arriving spending bills.

Several states provide line-item vetos for their governors within state constitutions. States' experience^{54,55} and an experiment at the federal level during the Reagan Presidency⁵⁶ have shown that the line-item veto does not save a great deal of money. What it could do is provide a final measure of checks and balances for eliminating pork-barrel issues or issues which serve to fracture the consensus strategy and force structure. In this manner it would return an effective veto to the President, so that the office could function as the "energetic executive" Alexander Hamilton viewed as a requirement for the Republic. In the Federalist No. 73 he argued that the veto provided the executive a: "salutary check upon the legislative body, calculated to guard against the effects of faction, precipitancy, or of any impulse unfriendly to the public good, which may happen to influence a majority of that body."⁵⁷

We can use a recent case history to assess the tremendous benefits at least two of these three changes might have had on the efficient use of defense resources. Before approving the supplemental appropriation for Desert Storm, the House Appropriations Committee overturned a "hard choice" made by

Secretary Cheney. The Committee reinstated the buy of 12 F14D Tomcat fighter planes at a cost of \$987 million. The amendment to continue the F14D production was offered by Congressman Robert J. Mrazek (D-NY), whose district is near the Grumman Corporation facilities which produce the Tomcat.⁵⁸ Imagine how tough it would have been to spend \$987 million we don't have if: (1) the money would have had to come from some other Member's district; and, (2) if vetoed by the President, two-thirds of the Congress would then have had to sign up to the additional spending.

Finally, the only measure of effectiveness for careful management left unaddressed has been the need to shift from the functional (input) focus to the mission (output) focus. This would also be a welcome change. The Congress could certainly direct that approach for itself and DOD. It would have little value, however, if changes similar to those proposed above are not adopted.

In summary, the key points for the reader to assess from this portion of our review is that there are ways within the Constitution for Congress to effect internal reform; and that to date no meaningful, congressionally initiated movement toward reform has occurred. Congress will need help to establish what changes make sense and help in forcing them upon themselves. While there remains a significant number of influential members who recognize the need for change, what's needed are both an agent and a catalyst for making changes.

Because there is no "Super Congress" standing over this one to legislate reform of its practices in the way that Congress can mandate Pentagon reorganization, any mending of

its defense budgeting ways is likely to be halting, spurred on only by mounting desperation over what every year becomes a more unmanageable and all-consuming process.⁵⁹

We may now have the right combination. We know the catalyst of "mounting desperation" is in the air. I suggest we also have available a sort of "Super Congress" agent.

CONCLUSION

Beyond Hand-Wringing--A Window of Opportunity

Last year's budget drilling fiasco, which, for better or worse, produced a five-year agreement, is a great candidate to provide the catalyst ingredient for our "mounting desperation" to embark on congressional reform. To heighten the sense of urgency for reform, add the general agreement that we must quickly come to consensus if we are to achieve any sort of an effective defense posture; especially in light of declining resources and the stark picture of a still dangerous world evidenced by the Persian Gulf.

We also have the makings of a "Super Congress" agent to push reform. The public has great confidence in President Bush, Secretary of Defense Dick Cheney, and Chairman of the Joint Chiefs of Staff, General Colin Powell. Mr. Cheney knows the inner workings of Congress. General Powell is equally experienced in the national security processes within the Executive Branch. We should exploit this Administration's unique combination of public confidence and knowledge to coerce the Congress to take concrete steps toward cleaning its house insofar as rational and efficient defense management is concerned.

Some view any effort to change Congress as futile. "The problems associated with the role of Congress have been carefully analyzed, and many practical solutions offered, but political consensus and desire for change in the way Congress does business are obviously lacking. We should not naively expect this to change."⁶⁰ History suggests there have been equally pessimistic outlooks regarding whether the plan of government established by the U.S. Constitution was adequate for administering the requirements of a global power. The Father of the Constitution, James Madison, calculated: "Around 1929...the structure of American government would have to be reconsidered."⁶¹ The noted and influential American military strategist, Captain Alfred Thayer Mahan, believed that the Constitution (or at least the way some in government made use of it) would create problems as the U.S. assumed world power status:

...Mahan was specific about these difficulties [of seizing and protecting overseas markets]: 'any project of extending the sphere of the United States...is met by the constitutional lion in the path...' [He believed Americans would find] it necessary to stretch (or ignore) constitutional provisions to achieve the ends of the new global foreign policy.⁶²

I am not so pessimistic. If one is that pessimistic, one must also be hopeless in light of shrinking defense dollars, enduring national interests, and the national commitment to Superpower responsibilities. "The pivotal responsibility for ensuring the stability of the international balance remains ours, even as its requirements change in a new era."⁶³ I am hopeful that we can do a better job of managing national security programs and do so within the provisions of the Constitution as

it stands today. I believe that so long as we suggest reforms in the Congress which don't "ask a leopard to change its spots," we can hope for and pursue change without being Pollyannish. In contradiction to Mahan's concerns about the "constitutional lion in the path," recent history shows that we can do better. For the first two-and-one-half decades of U.S. superpower status following WWII, American national security and foreign affairs were characterized by reasonable consensus and "fruitful collaboration" between the President and Congress.⁶⁴

We have both the right agent and the right catalyst for beginning and bringing to fruition a meaningful reform. The time to act is now. We do not need further study. There are adequate data, conclusions, and recommendations from previous efforts to create a specific reform agenda for improving Congress' management of defense. With concerted action and leadership by the Administration and those concerned, knowledgeable Members of the Congress, they could jointly commission an independent group to complete a proposed package of reforms before the end of 1992. Congress could review the package, encouraged and focused to take on reform by the public mandate provided by President Bush's landslide victory in the 1992 election (which included a campaign agenda for congressional reform). Under such leadership and through skillful, insightful cooperation with influential members of Congress, I can envision a "Cheney-Powell Congressional Reform Act" being passed in 1993 or, at the latest, before the last gavel falls during the 103rd Congress.

If that sounds hopeful, it's because I am hopeful. I believe we can rise to the challenge of getting more effective national security and military strategy; one supported by optimum joint forces for the available dollars. I am not resigned to a Congress unable to improve. The future national security objectives of America depend on the Congress making needed improvements in their management of defense and other programs affecting the national power of the United States--power critical for her own sake and for her to continue as a positive, proactive superpower force in the interest of a "new world order."

Who knows? If DOD can help to improve Congress' management of national defense, perhaps we will have led the way to improving congressional management of all the Nation's business. Given some of the national ills we have helped to correct in the past (racial equality, equal opportunity for women, drug abuse prevention programs), we are becoming proficient at busting paradigms.

ENDNOTES

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8. Dick Cheney, Annual Report to the President and the Congress, January 1991, p. 1.
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12. Don M. Snider, "DOD Reorganization: Part I, New Imperatives," Parameters, September 1987, pp. 89-90.
13. Quoted in Jacques S. Gansler, Affording Defense, pp. 133-134.
14. James A. Blackwell and Barry M. Blechman, Making Defense Reform Work, p. 263.
15. Cordesman, p. 130.

16. Howard E. Shuman, Politics and the Budget The Struggle between the President and the Congress, p. 298.

17. Fredrick H. Hartmann and Robert L. Wendzel, Defending America's Security, p. 181.

18. The Johns Hopkins Foreign Policy Institute (FPI) and The Center for Strategic and International Studies (CSIS), Making Defense Reform Work, pp. 37-38. This source is a report of The Project on Monitoring Defense Reorganization, a joint FPI-CSIS effort cochaired by Harold Brown and James Schlesinger. As stated in the report's forward, the project is "to bring the collective experience of individuals who have served at the highest levels of the Department of Defense, both military and civilian, in defense industries and scientific establishments, and on relevant committees of the U.S. Congress to bear on the complicated issues of defense management." Given the Project's membership, I regard it as an especially worthwhile reference.

19. Ibid., p. 40.

20. Except for specific references indicated in other notes, the general descriptions of the current roles, products, and processes having to do with force PPB which follow are based on information from two sources: Office of the Chairman of the Joint Chiefs of Staff, Chairman of the Joint Chiefs of Staff Memorandum of Policy No. 7, Joint Strategic Planning System, 30 January 1990; and, United States Army War College, Army Command and Management: Theory and Practice, 1990-1991.

21. United States Army War College, Army Command and Management: Theory and Practice, 1990-1991, p. 14-9.

22. FPI and CSIS, p. 40.

23. For a good description of the VCJCS position and an insider's assessment of its impact, see Robert T. Herres, "Making Interoperability & Jointness a Way of Life," Defense 88, January/February 1988, pp. 19-25. General Herres was the first VCJCS.

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